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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,776	09/29/2000	Fumiyoishi Ono	Q61045	2256

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EXAMINER

CHEN, KIN CHAN

ART UNIT

PAPER NUMBER

1765

DATE MAILED: 05/15/2003

17

Please find below and/or attached an Office communication concerning this application or proceeding.

BEST AVAILABLE COPY

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/672,776	ONO, FUMIYOSHI
	Examiner	Art Unit
	Kin-Chan Chen	1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 31 January 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 6-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 6-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. 09/313,356.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/313,356. Also, Acknowledgment is made of applicant's claim for benefit from Provisional Applications 60/102,000 and 60/132,426.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasai et al. (US 6,007,592) in view of Garg et al. (US 6,258,137).

Kasai discloses a polishing composition for an aluminum disk that includes water, an alumina abrasive agent and a polishing accelerator. Since the polishing composition is used for polishing an aluminum disk, this reads on the applicant's limitation of mechanochemically polishing a metal film on a semiconductor substrate with the polishing composition. The polishing accelerator is preferably basic aluminum nitrate. The abrasive agent is alumina. The alumina particles have a mean particle size of 0.1 to

0.4  $\mu\text{m}$  (col. 3, lines 56-62). The alumina with an alpha-phase content of 80% to 95 % (col. 4, lines 4-16). This reads on the applicant's limitation "68% to 90%".

Unlike the claimed invention, Kasai does not teach a method in which the alumina particles have a specific surface area of from 31 to 77  $\text{m}^2/\text{g}$ .

Garg discloses CMP processes and products. The process comprises polishing a substrate comprising metal and a non-conductive material using an abrasive that comprises an alumina powder. The powder has a BET surface area of at least 50  $\text{m}^2/\text{g}$ . This reads on the applicant's limitation of alumina particles having a specific surface area of from 31 to 77  $\text{m}^2/\text{g}$ . Garg also teaches that an alpha alumina content of at least 90% by weight. Hence, it would have been obvious to one with ordinary skill in the art to modify Kasai by using the alumina powder having a BET surface area of at least 50  $\text{m}^2/\text{g}$  as taught by Garg because Garg discloses that to do so provide an abrasive that will remove metal selectively and slowly such that dishing can be minimized (col. 1, lines 60-64).

#### *Response to Arguments*

4. Applicant's arguments filed January 31, 2003 have been fully considered but they are not persuasive.

The 37 CFR 1.132 declaration does not show the criticality of the claimed range by showing the claimed range achieving unexpected results relative to outside the claimed range of all claimed materials (e.g., titanium, tantalum, and alloys). In addition, in Table, the comparative example 3 (with scratch evaluation of 1) and the

comparative example 5 (with scratch evaluation of 2) have better results than some applicant's examples in the Table. Therefore, the applicant arguments are not persuasive.

Applicant's has argued that the alumina of Kasai does not have a coating therefore it can't be combined with Garg. In fact, Kasai does not exclude or limit any coating on alumina and Garg clearly discloses that alumina power has a BET surface area of at least 50 m<sup>2</sup> /g. Garg also teaches that an alpha alumina content of 90% by weight.

***Conclusion***

**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**6.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kin-Chan Chen whose telephone number is (703) 305-

0222. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin Utech can be reached on (703) 308-3836. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2934.

K-C C  
May 13, 2003

*Ben Utech*  
BENJAMIN L. UTECH  
SUPERVISORY PATENT EXAMINER  
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